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CONCORD, N.H.

Mr. James J. Barry, Commissioner  
Department of Public Welfare  
State House Annex  
Concord, New Hampshire

Re: O.A.S.I. Status of Student Workers at  
the University of New Hampshire

Dear Mr. Barry:

This is in response to your letter of November 30th, requesting our opinion as to whether chapter 234, Laws of 1951, permits the exclusion of services performed by students at the University of New Hampshire from the agreement entered into on behalf of the State with the Federal Security Administrator pursuant to 42 U.S.C.A. 418 and Laws 1951, chapter 234. Your letter also refers to a letter dated June 8, 1956, from Warren Waters, Deputy Attorney General to Norman Myers, acting Treasurer at the University.

We answer your question in the negative. Chapter 234, Laws of 1951, neither excludes nor authorizes the exclusion of student services from the agreement. On the contrary this chapter specifically provides in section 3 that:

" . . . (4) All services which constitute employment hereunder and are performed in the employ of the state by employees of the state, shall be covered by the agreement;"

The term employment as defined in section 2 does not exclude part time services performed by students at the University, and hence these services must be included in the agreement.

Very truly yours,

Elmer T. Bourque  
Assistant Attorney General

ETB/T